

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

IN RE: REQUEST FOR COVID-19 COMPASSIONATE RELEASE FROM INCARCERATION under Section 603 (compassionate release) of the 2018 First Step Act, codified under Title 18 U.S.C. § 3582(c)(1)(A), or other provisions of federal law or regulation

STANDARD PROCEDURAL ORDER

On December 21, 2018, the President signed into law the First Step Act of 2018, Pub. L. No 115-391, 132 Stat. 5194 (2018). This legislation provides grounds for certain defendants sentenced by this Court to seek relief from their sentences. On March 20, 2020 this Court entered a Standard Procedural Order pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c) and in order to efficiently process motions and petitions raising potential claims for relief under Section 603 (compassionate release) of the 2018 First Step Act, codified under Title 18 U.S.C. § 3582(c)(1)(A). In light of the exigent circumstances created by the COVID-19 pandemic, this Court has entered orders related to the COVID-19 pandemic. The Court reiterates and adopts the findings on the COVID-19 pandemic contained in the prior orders and enters this order to efficiently process motions and petitions raising potential claims for compassionate release related to COVID-19.

Any such motion for compassionate release related to the COVID-19 (corona virus) filed *pro se* by a defendant previously determined to have been entitled to appointment of counsel and any defendant who is now indigent, shall proceed as follows:

- All such motions will be filed into the record by the clerk. The clerk shall refer the motion to the Office of the Federal Public Defender (FPD) for the Western District of Louisiana for screening purposes to determine whether that defendant may qualify for relief under Section 603 of the First Step Act [18 U.S.C. § 3582(c)(1)(A)],

and in appropriate cases, to enroll and present any petitions, motions, or applications to the Court for disposition. The clerk shall also refer the motion to the U.S. Attorney's Office for the Western District of Louisiana.

- The FPD shall have five (5) days from the date the *pro se* motion is entered into the record to screen such matters and in appropriate cases file a motion to enroll or to request appointment of counsel from the Criminal Justice Act panel in the case of a prohibitive conflict that would prevent FPD representation of a client or other good cause supports appointment of outside counsel. The FPD shall then have fifteen (15) days from the date of the motion to enroll to file any supplemental briefing in support of the request for compassionate release. The Government shall have five (5) days from the filing of the defendant's supplemental brief to file a response.
- In cases where a motion to enroll is not filed by the FPD, the United States shall respond to the *pro se* motion within ten (10) days from the date the motion is entered into the record by the clerk.

The United States Probation Office is authorized to disclose Presentence Investigation Reports or Modified Presentence Investigation Reports, and Statements of Reasons to the Federal Public Defender's Office, CJA panel members, retained counsel, and the United States Attorney's Office for the purpose of determining eligibility for relief under compassionate release provisions of the First Step Act.

The United States District Court Clerk's Office is authorized to notify the Federal Public Defender and the U.S. Attorney's Office of any COVID-19 related *pro se* motions for relief filed pursuant to Section 603 of the First Step Act [18 U.S.C. § 3582(c)(1)(A)], or pursuant to other areas of federal law or regulation. The FPD shall assist the Clerk's Office in determining whether a particular *pro se* motion for relief is based on circumstances related to COVID-19 and the

aforementioned specific section of the First Step Act or other provisions of federal law or regulation allowing for release from incarceration.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 4th day of May, 2020.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT